

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**5<sup>th</sup> FEBRUARY 2013**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**12/2517/OUT**

**Land at Low Lane, High Leven, Ingleby Barwick  
Outline application for the erection of Ingleby Manor Free School and Sixth Form and  
residential development (350 dwellings) including means of access**

**Expiry Date 21 January 2013**

**SUMMARY**

The application site lies to the south-east of the existing settlement of Ingleby Barwick and is currently a series of open fields bounded by hedgerows. Low Lane runs to the south of the site and a small cluster of residential and commercial properties lie on the opposite side of the road. Residential properties lie to the immediate east, west and north of the application site.

Outline planning consent is sought for the creation of a new free school providing for 600 school places for years 7-11 and a 150 place sixth form and associated playing fields and for a residential housing development of up to 350 dwellings. All matters are to be reserved with only the means of access up for consideration at this moment in time. The applicant has also recently confirmed that 10% affordable housing provision will be offered.

It is clearly a benefit of the proposal that it would boost significantly the supply of housing and along with the provision of a Free School would have significant social and economic benefits. No evidence has been provided as to why the benefits associated with a Free School cannot be achieved without coupling this proposal to a residential development on the scale of 350 houses. This is considered to be particularly substantial in respect of the impact on the Green Wedge, which would be less significant if the proposal were restricted to the provision of a Free School.

Whilst acknowledging the weight and importance which is required under the NPPF to be attached to the provision of housing to meet the 5 year supply and in bringing about education provision in the form of the Free School, it is considered that the provision of the housing development would have such a significant impact on the Green Wedge that the associated community benefits of the Free School would not be sufficient enough to outweigh these conflicts with the adopted development plan policies and the National Planning Policy Framework (NPPF). Furthermore insufficient information has been provided to satisfactorily demonstrate that there would be no significant harm to protected species or to justify a reduction in the provision of affordable housing from the required 20% level in the adopted Core Strategy Policy CS8 (5).

**RECOMMENDATION**

***That Planning application 12/2517/OUT be Refused for the following reasons;***

**Green Wedge/landscape character:**

01. In the opinion of the Local Planning Authority the proposed development represents an unjustified incursion into the Bassleton Beck valley green wedge and by virtue of its scale and nature would have an unacceptable detrimental impact on the open character and visual amenity of the area and thereby harm the amenity value or the site and the separation that exists between the settlements of Ingleby Barwick and Thornaby, contrary to saved policy H03 of the Adopted Stockton on Tees Local Plan and policies CS3(8) and CS10(3) of the Adopted Core Strategy and paragraph 123 of the National Planning Policy Framework (NPPF).

**Affordable Housing:**

02 In the opinion of the Local Planning Authority the applicant has failed to provide any justification or viability assessment that to satisfy the Local Planning Authority that would reasonably justify a reduction in affordable housing provision, from the minimum 20% level identified within the Core Strategy, contrary to the requirements of Policy CS8 (5) of the Core Strategy and paragraph 50 of the National Planning Policy Framework.

**Protected species:**

03 In the opinion of the Local Planning Authority the applicant has failed to provide sufficient information to satisfactorily demonstrate to the Local Planning Authority that the proposed development would not have a detrimental impact on those habitats and species protected by law or that the impact could be satisfactorily mitigated to the satisfaction of the Local Planning Authority and is therefore contrary to guidance within Core Strategy Policy CS10(2) and paragraph 118 the National Planning Policy Framework (NPPF).

**The Local Planning Authority has implemented the requirements of the National Planning Policy Framework**

**BACKGROUND**

1. The land forming the application site was originally envisaged as being village 7 of Ingleby Barwick. However, this village was later removed from the master plan and the development of Ingleby Barwick as a whole proceeded as 6 villages.
2. The site then gained approval for an 18-hole golf course and driving range, it was originally approved with outline planning consent in 1990 (ref; 90/1965/P) and was followed by an application in 1994 for the provision of a golf driving range, new access, services building and 30no. driving bays (ref; 94/0385/P) these planning consents were re-established in 1997 and renewed in 2000 and 2003, with the consent expiring in September 2006.
3. In August 2006 outline planning permission was then sought of a mixed-use development (ref; 06/2593/OUT) comprising of a family pub, play barn, lodge and children's nursery. This application was withdrawn. Following concerns over the loss of a greenfield site, the impacts on the green wedge, residential amenity, the open character of the site and failing to satisfactorily demonstrate that the scheme would not have a detrimental impact on archaeological remains.

**SITE AND SURROUNDINGS**

4. The application site lies to the south-east of the existing settlement of Ingleby Barwick and is currently a series of open fields bounded by hedgerows. The residential properties of Regency Park and Priorwood Gardens bound the site to the west and north-west respectively.

5. Low Lane runs to the south of the site and a small collection of residential and commercial properties lie on the opposite side of the road. A small group of former farm buildings, known as 'Little Maltby Farm' and residential property 'Leven Lea' also lie to the east of the majority of the site. While Ingleby Mill Primary School lies to the west.

## **PROPOSAL**

6. Outline planning consent is sought for the creation of a new free school and associated playing fields and for a residential housing development of up to 350 dwellings. All matters are to be reserved with only the means of access up for consideration at this moment in time.
7. The proposed Free School will provide for 600 school places for years 7-11 and a 150 place sixth form. The school intends to open and begin enrolment for September 2013 within temporary accommodation with the aim of the new school being opened for September 2015 and once the school is fully completed it would provide approximately 80 full and part-time jobs.
8. Various sites have been considered within the surrounding area including Eaglescliffe (Durham Lane), Thornaby (Teesside Industrial Estate) and Bowesfield (Queen Elizabeth Way). However, the preference by the Ingleby Manor Foundation Trust (formerly BO2SS) has been for the school to be within Ingleby Barwick, resulting in the application site being considered as the only available option. Legal agreements would be in place between the applicant and the Education Funding Authority to ensure that they are provided with a fully accessible and serviced site with a 125 yr lease. Legal agreements could also be put in place to prevent the occupation of the first dwelling until the land has been handed over to the EFA.
9. The applicant has also recently confirmed that they are willing to offer 10% affordable housing provision, on the basis that the provision of significant planning gain being provided in the form of the land and infrastructure and wider community benefits for the provision of the free school.

## **CONSULTATIONS**

10. The following Consultations were notified and any comments received are set out below:-

### **Head of Technical Services (summarised)**

#### **General Summary**

In summary, the proposed development generates a high number of vehicle movements which result in the worsening of traffic problems at key junctions on the local road network. The applicant needs to mitigate these impacts by contributing towards junction improvements at the Thornaby Road / A174 Parkway junction Road, providing signalisation of the existing junction at Thornaby Road / Low Lane and providing sustainable transport improvements secured through a Travel Plan.

The existing open character of the Green Wedge designation where the development is planned would be irrevocably changed by the development from one of open fields to built development. Without mitigation this impact is unacceptable and there would be a landscape and visual objection to the development. Increased landscape buffer planting together with rationalisation of the proposed Public Open Space could provide mitigation of the identified impacts. It is considered that a buffer zone varying in width between 10 - 20m of structure planting should be provided on site boundaries to provide the necessary screening of the proposed buildings and to assist their integration into their surroundings. As a result, housing numbers may have to be reduced to accommodate this landscape buffer.

Until the planting is mature, the proposed development would have a significant and adverse impact on the Green Wedge designation. This development would also change the character of the local landscape. However, on maturity of the recommended buffer planting, the impact of development on the local landscape character is not considered to be significant.

The requirement for the increased landscape buffer zones would require the applicant to agree revised wording for the application so as to agree a maximum figure of 350 houses subject to the provision of the required buffer planting and or a Grampian condition to secure the off-site planting.

### Highways Comments

#### *Roundabout Junction;*

The applicant has agreed to a reduced road width to 7.3m but noted that this would negate the requirement for other speed reducing features. However, it is recommended that traffic calming features should still be installed given that it would be used regularly by school children. The traffic calming features should be coordinated with suitable crossing points on the access road to ensure that there are sufficient pedestrian linkages between the residential area and the school. The width of the internal residential spine road has been confirmed as being 6.75m. A minimum width of 6.7m is required for a bus route and therefore the width is acceptable.

The roundabout would change the access into the petrol filling station (PFS) and a concern was raised previously that the owners of the PFS may not be amenable to changing the access into their business. The applicant has also confirmed that positive discussions that have taken place with the operator of the petrol filling station and shop as part of the pre-application consultation.

Technical Services are concerned over the conflict that could occur between the crossing on the east splitter island and the PFS entrance. It was noted that it would be preferable to concentrate pedestrian crossing on the west side splitter island. Whilst the applicants suggestion to consider a potential signal crossing facility on the western side of the access junction in the future if demand dictates, is noted demand would arise from the development and the crossing on the west side of the roundabout should be installed on commencement of the development, this should be conditioned.

An emergency access connecting to Low Lane is also proposed. This would be for pedestrians and cyclists, except for when emergency vehicle access is required and would be controlled by appropriate design and/or bollards. Details of the access restrictions should be conditioned should planning approval be granted.

The applicant would need to enter into a Section 278 / Section 38 Agreement for the access works onto the adopted highway and for the highway and footpaths, including any street tree or shrub planting, which are to become highway maintainable at the public expense.

#### *Parking;*

The proposed level of parking both to serve the school and the residential properties must be in accordance with SBC parking standards. The applicant has confirmed that the layout would be subject to a reserved matters planning application and the layout would therefore be reconsidered to more effectively accommodate the requisite number of spaces with consideration for pedestrian routes through the car park and landscaping. Disabled parking spaces should be provided with level access to the school entrance and cycle parking should be accommodated in a secure, overlooked location.

#### *Cycle and Pedestrian Links;*

Permeability to and from the site to the existing footway and cycleway network would be important to encourage sustainable modes of travel. The proposal of a toucan crossing across Barwick Way is welcomed however, to encourage use of this route; improvements would be required to widen the path from the toucan crossing and along Windmill Way to make it suitable for cyclists. To link with the existing cycle route to the north of the site, a link would be required into Priorwood Gardens, either via Acorn Bank or Wellbrook Close. This would enable a safe route to Beckfields Avenue and also Thornaby Road. These should be provided as part of a Section 106 agreement.

There is an existing right of way through the site which connects Regency Park / Barwick Way in the west to Low Lane in the south. Although the applicant stated they would be willing to contribute towards a traffic regulation order for parking restrictions in Regency Park to discourage drop-off / pick up parking in this location (if required) and to fund the closure of this right of way in the long-term if considered necessary. However, Technical Services would need to assess the impact on walking/cycling routes as this appears to be the preferred route for pedestrians as demonstrated throughout the TA. A diversion may be more appropriate to align with the proposed toucan crossing would provide an aspired link to Barwick Lane and also to the Ingleby Barwick circular trail.

#### *Travel Plan;*

The heads of terms for a school and residential travel plan have been provided. Whilst there are some welcome initiatives, there are some key omissions and further discussions should take place with the Councils Environmental Policy team to develop the travel plans in more detail. These elements should be conditioned as part of any approval.

#### *Bus Provision;*

The drop-off area could also be used by buses and the applicant notes that a larger drop off area would have the flexibility of accommodating potential bus drop-off; however the applicant also notes that a bespoke bus service is not envisaged to be required. There seems to be a general lack of acknowledgement that a bus service could be required, especially given that the majority (over 85%) of school children travelling to Conyers and Egglecliffe School currently do so via a dedicated school bus service. Whilst the school may be more local for some and therefore some children may choose to walk and cycle to school, these modes may not be a suitable for all the children. Without a school bus service it is possible that there could be more pupil drop-off trips than forecast within the TA.

The school may also attract pupils from a wider catchment, pupils who live further than 3 miles walking distance from the school would usually expect a free school bus service to be provided. Although the public bus service provision, provides a reasonable service, is not seen as providing a sustainable travel choice for pupils given that the available services operate on a half-hourly service. Further consideration should be given to providing a bus service as part of the travel plan development for the school.

#### *Trip Generation and Trip Distribution;*

The total number of vehicular trips generated by the proposed development is approximately 550 two-way movements in the AM peak hour 260 as a result of the school and 290 as a result of the residential properties. This level of vehicular trips is high and increases the base flows on Low Lane, according to the outputs from the VISSIM model, by 32% (based on a 2019 scenario).

The trip generation section of the TA forecasts 90 pupil drop-off trips in the morning. However, only 6 drop-off spaces were initially proposed within the site which would be accessible via a one-way drop-off loop located within the site. The applicant was asked to provide assurance that the 90 drop-off trips could be accommodated without vehicles queuing on the access road which could potentially block back to the roundabout and Low Lane. The applicant has

subsequently confirmed that the school layout would be subject to a reserved matters planning application and have agreed that the provision of a 12 car drop-off facility could be conditioned as part of a planning permission.

The applicant should give consideration to how the vehicular trip rate could be reduced through the implementation of sustainable transport measures through the travel plan process.

#### *Transport Modelling;*

The TA for the development utilised information from a VISSIM transport model and concluded that Ingleby Way, Barwick Way and Thornaby Road (north) would have significant deteriorations in journey times (greater than 50%). However, as the majority of routes would have a slight impact, the overall highway impact was considered in the TA to be minimal. Technical Services note that these are critical access routes and considered to state that there is minimal impact on the overall road network was unacceptable and if the impacts on these routes were not mitigated the residual impacts of the development would be significant and there would be a highway objection to the proposals.

It was also noted that the HA have recently received funding to implement junction improvements at the A19/A174 Parkway junction which is to the east of the local junctions which would be adversely affected. This could make these routes more attractive and attract more trips through the affected junctions.

To further test the traffic impact, Technical Services commissioned the development of a microsimulation transport model to review the impact of this development, and others locally, on the highway network. Committed development traffic was added to the base model to assess what the traffic conditions would be like once traffic associated with committed developments is added to the network these included the residential developments at Tall Trees, Morley Carr (Yarm), Allen's West and The Rings Ingleby Barwick. Committed infrastructure improvements were also included.

The results of the microsimulation model provide a greater understanding into the impact of this development on the wider network and the routes through Ingleby Barwick and demonstrate that the development traffic results in significant journey time increases on Ingleby Way and Thornaby Road and the congestion on Thornaby Road at the A174 signals is exacerbated. The model also shows congestion occurring at the Low Lane / Thornaby Road junction, particularly on the Low Lane east approach as the right turn onto Thornaby Road becomes difficult.

Therefore, mitigation is required to accommodate the development trips on the highway. The following mitigation was tested in the model:

- A double right turn at the A174 / Thornaby Road which relieves the queuing at this junction; and
- A signal scheme at Low Lane / Thornaby Road which relieves the queuing at this junction, but also provides an alternative route for through traffic to bypass Ingleby Barwick, particularly in the southwest bound direction, i.e. utilising the right turn from Thornaby Road to Low Lane.

The model shows that with the above junction improvements, the traffic impact from the proposed development is mitigated. Therefore, it is recommended that contributions should be secured via a Section 106 contribution. Budget estimates for these works will be provided as soon as they become available.

#### *Construction / Temporary Site*

A Construction Management Plan, detailing parking proposals during construction, access proposals, hours of construction and appropriate mitigation measures, should be agreed prior to construction commencing on this site and secured through a planning condition should the

application be approved. It is understood that the school would commence operation on a temporary site and the issues associated with the temporary site are to be dealt with through a separate planning application.

### *Summary*

In summary, the proposed development generates a high number of vehicle movements which result in the worsening of traffic problems at key junctions on the local road network. The applicant therefore needs to mitigate these impacts by contributing towards junction improvements at the Thornaby Road / A174 Parkway junction Road, providing signalisation of the existing junction at Thornaby Road / Low Lane and providing sustainable transport improvements secured through a Travel Plan. Subject to the agreed mitigation being provided, there would be no highway objection to the proposal.

## **Landscape & Visual Comments**

### *Landscape Character;*

The site is a level area of rough grassland divided by several overgrown hedges being former farmland currently grazed by horses. Some of the land is dotted with hawthorn scrub. The site is described in the Stockton Borough Council Landscape Character Assessment as an area of medium landscape and visual sensitivity with a medium capacity for appropriate development. It recognises that the site currently forms part of a defensible boundary for Ingleby Barwick and is designated as green wedge.

### *Landscape impact;*

In consideration of the L&VI assessment it is noted that without appropriate mitigation the landscape character of the area would be substantially changed from one of open grazing land to one of built development. The landscape character assessment states that the area has a low sensitivity to change. Whilst new planting is proposed to soften the impact of the development this mitigation would not provide any visual screening from the day of opening up to a period of 15 years or longer if appropriate maintenance is not undertaken. The indicative Landscape Masterplan indicates boundary planting designed to soften the impact of the development ranging from a wide buffer zone on the southern site boundary of approximate varying width of 20 - 30m to new hedgerow/tree planting on the northern site boundaries and eastern and southern site boundaries near Maltby Farm. Whilst a width of screen planting of 20 - 30m is considered generous it is noted that the actual planting would be much narrower in width due to the presence of utility services and their associated easements. The proposal to use only hedgerow planting on other boundaries is not considered acceptable.

It is considered that a buffer zone varying in with between 10 - 20m of actual structure planting should be provided on the northern, southern and eastern site boundaries to provide the necessary screening of the proposed buildings and to assist their integration into their surroundings. If this buffer planting is implemented then on maturity the impact on the existing character would not be significant as the majority of the existing green wedge is retained and the development screened. It is noted that the site currently has a low sensitivity to change but with the appropriate mitigation the new development would in the long-term be assimilated into the landscape as such the change in the sensitivity is also considered to be not significant. This conclusion is made as the existing housing at Ingleby Barwick which is visible in views and must therefore be considered in assessing sensitivity of development on the site. The buffer planting in this location would afford screening to both the existing houses in Ingleby Barwick and the new development.

Housing numbers may have to be reduced to accommodate this landscape buffer or the land to the edges of the site (within the blue line boundary) used to create this recommended planting buffer. The requirement for the increased landscape buffer zones would require the applicant to agree revised wording for the application so as to agree a maximum figure of 350 houses

subject to the provision of the required buffer planting and or a Grampian condition to secure the off-site planting. The buffer planting should be in the form of a native woodland block style. All tree and shrub species used on the site should be comprised of native planting of local provenance with an element of evergreen planting, but should exclude Ash due to the risk of future Chalara dieback. This boundary planting should be located within open space and not form part of individual residential plots and managed to ensure its long term retention.

Advance planting of both the landscape buffer planting proposed on the Landscape Masterplan and that recommended as part of this planning consultation would assist in reducing the long-term visual impact of the development. Typical native woodland block planting would take 15 years for screening to make a noticeable affect

Within the site boulevard tree planting is planned along part of the main access road to further soften views of the site. Such planting should be provided at others sections along this road to further increase the landscape value of the development. The Local Highway Authority could consider adoption of Street Trees subject to agreement of details and maintenance costs. Areas for Sustainable Urban Drainage (SUDs) are also likely to be required to achieve green field run off rates. The inclusion of SUDs may also affect housing numbers.

#### *Impact on the Green Wedge;*

The site is located in the south western section of the Green Wedge that is designated to separate Ingleby Barwick from the Teesside Industrial Estate in Thornaby (it should be noted that the applicant states that the green wedge policy now only applies to the southern part of the site when it does in fact cover the whole site). It is considered that the open character of this part of the Green Wedge would be irrevocably changed by this development, changing the landscape from one of open fields to housing and a school. Whilst the loss of part of the Green Wedge would be a direct consequence of this application the provision of a landscape buffer zone of minimum width 10 -20m around the site boundaries as previously discussed would with the benefit of time screen and soften the edges of the development proposal at these boundaries. Without a significant landscape buffer there may be a visual coalescence of the settlements of Ingleby Barwick and Thornaby and therefore the effectiveness of the remaining areas of Green Wedge to the north and east of the site would be significantly reduced.

#### *Planting Strategy;*

A soft landscape strategy should be provided. A condition should be added to any recommendation for approval that requires that full landscaping details will be required to be agreed. This should include full long-term management details for the planting. The layout proposes some tree planting on green corridors along the highway and some green corridor footpath links, the Highway Authority would accept Street Trees and other functional vegetation in highway verges subject to S.38 agreements. Details of hard landscaping, public art, ground levels and tree surveys should be considered either through any reserved matters or be subject to planning conditions.

#### *Open Space Provision;*

Whilst the indicative Landscape Masterplan include for active sports provision in the form of school playing pitches it is noted that these pitches only would be available to the wider community access by agreement. As such the pitches would not be available for informal access to residents and an alternative provision of active recreational open space must be provided.

The indicative Landscape Masterplan has identified 4 no. areas of land called 'central open greens' for recreational provision within the development. In line with the Councils Open Space, Recreation and Landscaping SPD (Sports/landscaping calculator) and adopted Green infrastructure strategy an area of 1.5ha of amenity green space should be provided on this development site. The purpose of any such green space should be that it is multi functional, in



so far as it can accommodate active and passive leisure pursuits, without detriment to the neighbouring properties. The central green incidental areas as proposed would only satisfy the passive usage, which is not acceptable on a family orientated development. A larger open space with suitable buffer zones and in line with the open space standards should be provided to serve the needs of active recreational pursuits. This should take the form of a square, level and well drained area of a minimum area of 0.6ha set within a wider public open space of 1.0ha so as not to cause a nuisance to neighbouring properties. The open space should also include a fixed play area of approximately 2500m<sup>2</sup>.

#### *Maintenance;*

The open space areas including the buffers zones and any Sustainable Drainages Areas (SUDs) will have to be maintained and managed in perpetuity. This may be through Title Transfer to SBC or through a management company or other appropriate organisations. Any reserved matters application should provide long term management proposals for the POS on this site a period of 25 years.

#### Built Environment

The proposed application should consider good practice urban design principles in relation to treatment of the proposed built environment. Proposals should be in accordance with SPD 1: Sustainable Design Guide and follow guidance set out in Building for Life and the Homes & Communities Agency's document Quality Reviewer 'Appraising the design quality of development proposals'.

#### Environmental Policy

There are no objections to the proposals subject to the provision of renewable energy supply details and carbon footprint data. If planning consent is given and in order that the developer considers and agrees sustainable measures the following should be conditioned:

- Provision of a statement regarding means of complying with Core Strategy 10% renewable energy supply on site;
- Details of the carbon footprint;
- Details of the predicted energy consumption for development and clear proposals of the means to be employed to provide renewable energy supply;
- No development permitted by this planning permission shall be commenced until details of a scheme for the provision of sustainable measures has been submitted to and approved in writing by the Local Planning Authority.

#### Flood Risk Management

If planning consent is given and in order that the developer considers and agrees SUDS measures with SBC as part of their reserved matters design, the following should be used as a basis for planning conditions relating to the provision, management and maintenance of a sustainable drainage system:

No development permitted by this planning permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

details of the drainage during the construction phase;

- Details of the final drainage scheme, including sustainable drainage measures proposed;
- Provision for exceedance pathways and overland flow routes;
- A timetable of construction;
- A construction quality control procedure;
- A plan for the future maintenance and management of the system and overland flow routes.

### **Environmental Health Unit**

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

- ' Open burning
- ' Construction Noise
- ' Site Waste management Plans
- ' Possible land contamination

### **Northern Gas Networks**

No objections

### **Highways Agency**

The Agency has undertaken further assessment work at the A19/A174 Parkway interchange based on the predicted traffic flows borne from the above development. The assessment work is now complete and has concluded that the impact can be accommodated through the interchange in the morning and evening peak hour periods with the committed pinch point improvements. Therefore the Agency will not be objecting to the above planning application.

### **Children, Education and Social Care**

The Council has a statutory duty to ensure that sufficient school places are available to meet the needs of pupils resident in the Borough and this new housing development will increase pupil numbers in an area that is already short of surplus spaces. This development will increase the number of school age pupils on Ingleby Barwick that will rise beyond the capacity of schools in that area so we would expect the developer to contribute to meeting those costs.

The formula used to calculate this is as follows.

The historical child yield from recent housing developments in the Borough is 0.26 pupils of primary age and 0.20 of secondary age per family home (defined as a dwelling with two or more bedrooms).

Stage 2 - The current cost of creating one additional school place, using DfE area guidelines and local building cost averages, is £8,000 per primary place and £13,000 per secondary place. Applying the child yield factors produces a contribution requirement of £2,080 per family home for primary places (i.e. £8,000 x 0.26) and £2,600 per family home for secondary places (£13,000 x 0.20). The result of this calculation is the maximum contribution that would be required if schools in the area had no vacant places. Where there are vacant places in local schools at the commencement of development, the agreement would specify a discount on the contribution calculated at stage 1. The number of vacant places is defined as the difference between the capacity of each school at the most recent assessment by the DfE net capacity method, and the number of full-time pupils on roll as recorded at the last Annual Schools Census before the commencement of development.

Therefore based on 350 homes to be built this would equate to potentially 91 additional Primary and 70 Secondary School Places. The financial contribution would be a total of £1,638,000 split by Primary (350 x £2,080 = £728,000) and Secondary (350 x £2,600 = £910,000). At this moment in time the Primary School in Ingleby Barwick immediately affected by the development location is Ingleby Mill Primary as it falls within their current Admission Zone.

Across Ingleby Barwick we have 360 Primary Reception school places with demand already exceeding available spaces across all 6 Primary Schools, we plan to increase this to 390 by September 2014 or 2015 will go a little way to alleviate the problem based on current projected numbers of school age children aged 1 to 4 currently living on Ingleby Barwick.

Stage 2 - Projection data for Ingleby Mill based on their current numbers of pupils on roll indicate that across the whole school there are only likely to be very few surplus places over the next 5 years. As of 28<sup>th</sup> November 2012 there are only 20 surplus spaces which would equate to £160,000 of a discount but this number of surplus places will only reduce especially as the current Year 6 cohort (due to leave July 2013) accounts for 18 of these spaces so therefore this school like others will be full.

In terms of Secondary school provision the Free School is planned to be built as part of the development and would bring forward the Ingleby Manor Free School and 6<sup>th</sup> Form, providing 750 new secondary school places.

There would be no impact on local school budgets as a result of state funding. All Saints and Conyers schools attract pupils from across Ingleby Barwick and provide a degree of spare capacity at present, although pressure for school places may increase given further development in and around Yarm/Eaglescliffe. However, given the existing space capacity it is difficult to justify any contribution for secondary school provision. However, should the progress and the free school not proceed then further contributions towards secondary school provision will be required.

There are also currently conversations taking place between Council Members and Officers to review the whole of Ingleby Barwick in terms of available school places, admission zones and movement of pupils and traffic across the area.

#### **Spatial Plans Manager (summarised)**

Thank you for consulting the Spatial Planning team on the above application.

#### The supply of deliverable housing land

The Council has produced a report entitled '5 Year Deliverable Housing Supply Final Assessment: 2012 – 2017'. The Report concludes that the Borough has a supply of deliverable housing land of 4.08 years. The Council is not therefore able to demonstrate a 5-year supply of deliverable housing land. This is a significant material consideration in relation to this application.

#### The National Planning Policy Framework (NPPF)

The NPPF states (paragraph 14) that at the heart of the NPPF is the presumption in favour of sustainable development which is a 'golden thread running through both plan-making and decision-taking'. For plan-making this includes local planning authorities positively seeking 'opportunities to meet the development needs of their area'. For decision-making it means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

'Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or Specific policies in this Framework indicate development should be restricted.'

The Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or that specific policies in the NPPF indicate it should be refused. Other policies in the development plan that are relevant to the application remain up-to-date and are referenced in these comments.

The NPPF also states that Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and that LPA's should take a proactive, positive and collaborative approach to meeting this requirement.

#### Achieving sustainable development and core planning principles

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

The NPPF states that a set of core land-use planning principles should underpin both plan-making and decision-making. Included in these principles are that planning should 'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'. For the reasons set out in the environmental protection and enhancement section of these comments I consider that the application would reduce the effectiveness of the Green Wedge that separates Ingleby Barwick from Thornaby, although I acknowledge that a significant area of Green Wedge is retained.

Also included in the core land use principles is 'Every effort should be made objectively to identify and then meet the housing, business and development needs of an area, and respond positively to wider opportunities for growth'. The proposal would assist in addressing the identified need for housing and thus fulfil an economic role.

The NPPF states that the social dimension of sustainable development is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'. The proposed development would clearly increase the supply of housing. However, this needs to be set in the context of the Ingleby Barwick development as a whole. This has been characterised by master-planned villages as part of a plan-led approach. Should it ever be determined that the Green Wedge that separates Ingleby Barwick from Thornaby needs to be reduced in order to facilitate housing development, then the Spatial Planning view is very strongly that this should take the form of a comprehensive masterplan prepared in co-operation with all relevant stakeholders including the local community. I do not believe therefore that the proposed housing development would support the existing Ingleby Barwick community and this is exacerbated by the absence of affordable housing provision.

#### Relationship to the adopted Development Plan

The development plan currently comprises the North East Regional Spatial Strategy, the Stockton-on-Tees Core Strategy LDD (March 2010), the saved policies of the Stockton-on-Tees Local Plan 1997, and the Tees Valley Joint Minerals and Waste LDD (September 2011). It should be noted that the Government intends to abolish regional spatial strategies but pending the enactment of a revocation order the Regional Spatial Strategy remains part of the development plan.

#### Community Facilities

Point 1 of Core Strategy Policy 6 (CS6) – Community Facilities, states 'Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.' The proposal is consistent with Point 1 of Policy CS6 in respect of providing a school but at the expense of the loss of Green Wedge which is also represents a community facility through the provision of visual relief and recreational opportunities.

### Housing mix and affordable housing provision

Point 5 of Core Strategy Policy 8 (CS8) states 'Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more'. Recent government advice to apply affordable housing targets with flexibility in order to facilitate delivery is also noted. The Council is committed to achieving housing delivery and Policy CS8 acknowledges this by allowing scope for provision at a rate lower than the standard target where robust justification is provided. The standard target is 'within a target range of 15 to 20%.'

In applying this policy the Council has pursued a pragmatic approach based on site characteristics. The site is a greenfield site with no known exceptional site development costs in an area attractive to the market. In these circumstances the relevant target within the target range is 20% and reflects contributions recently agreed in relation to the Morley Carr Farm.

The applicant proposes to provide 10% affordable housing. However, no viability evidence has been submitted to support this. The applicant contends that the provision of infrastructure to support the Free School is a planning gain that offsets affordable housing provision. However, no evidence has been provided to substantiate the contention that the development of the Free School is not viable independently of the proposed housing. Moreover, even if the housing were necessary to facilitate the school, it does not automatically follow that this could not be achieved with 20% affordable housing provision. The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identifies an annual affordable housing requirement of 560 dwellings for the borough of Stockton-on-Tees. This includes an annual requirement for the Ingleby Barwick housing sub-division of 81 dwellings. However, the policy also states that the targets are minimums. 20% affordable housing provision would therefore be a significant contribution to the annual target.

### Open space provision

Point 3 of Core Strategy Policy 6 (CS6) states that the quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping SPD. The Open Space, Recreation and Landscaping SPD includes quantity standards which identify the level of demand caused by new development. Combined with this are minimum acceptable size thresholds which identify when a development becomes large enough to require the provision of on-site open space.

In this regard consideration should be given to the 'Vision for Open Space' section of the Open Space, Recreation and Landscaping SPD (paragraphs 4.13 to 4.21). Core Strategy Policy CS11 'Planning Obligations' is also material and contributions should be determined in accordance with guidance contained within the Open Space, Recreation and Landscaping SPD.

### Environmental Protection and Enhancement

Objective 8 of the adopted Core Strategy is 'To protect and enhance the Borough's natural environment and to promote the creation, extension and better management of green infrastructure and biodiversity, taking advantage of the Borough's special qualities and location at the mouth of the River Tees.' Including in the associated explanatory text is 'The strategic gaps and green wedges that prevent the coalescence of built-up areas will be retained as important components, forming part of wildlife corridors and these will be improved and managed to strengthen their value.' The scale of development proposed is in conflict with Objective 8 as it will erode the Green Wedge that prevents the coalescence of Ingleby Barwick and Thornaby.

### Limits to Development

Adopted Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement, states at Point 3i) 'The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of Green Wedges within the conurbation. The proposal is contrary to Point 3i) of Policy CS10.

Green Wedge is a local designation. It is therefore, not specifically referenced in the NPPF. However, it is a local designation to which the Council attaches great importance. The function of the Green Wedges is to prevent the coalescence of communities within the built up area (thus maintaining their individual identities) and to provide visual relief. The Green Wedge at Little Maltby Farm prevents the coalescence of Ingleby Barwick and Thornaby. This Green Wedge is relatively wide and the proposed development would still retain a green buffer. However, it would still be a significant erosion of this Green Wedge.

The applicant's planning statement contends that given the Stockton Core Strategy Diagram the site lies largely outside the Green wedge with the Green Wedge notation affecting only the frontage of the site to Low Lane. Planning Policy Statement 12: Local Spatial Planning (now superseded by the NPPF) states at point 3 of paragraph 4.1 that 'locations for strategic development should be indicated on a key diagram'. This was the guidance that the local planning authority worked to when preparing the strategic diagram. It is not intended to function as a detailed policies map demarcating boundaries precisely but rather that this is the role of the policies map. Whilst the applicant concedes the diagram is not a plan, it is argued that it should be able to be interpreted on its own. It is considered this is a misunderstanding of the role of a strategic diagram which is to show the broad, spatial distribution of development and strategic designations such as Green Wedges. The Council's on-line mapping shows the entire site as Green Wedge and the Council's intention to maintain this designation is provided in the Regeneration and Environment Local Development LDD Preferred Options Policies Map (maps 24 and 25).

#### Relationship to the Core Strategy Review of Housing Options process

The Council has recognised that because of changing economic circumstances and the reductions in the public funding available to support regeneration schemes, the housing strategy in the adopted Core Strategy will not deliver the housing requirement for the Borough. Although the Council retains very strong regeneration aspirations, it is firmly committed to achieving the housing requirement for the Borough to 2029 and has undertaken a review of housing options. This process formally began with the Core Strategy Review of Housing - Issues and Options, public consultation held over a 12 week period in summer 2011. The application site was included in an area identified in the Issues and Options document as an option for housing allocation.

#### Draft Preferred Options Housing Allocations

The application site is not identified as a draft housing allocation. The reasons for this are stated in the Regeneration and Environment LDD Preferred Options Consultation Statement as follows:

'Whilst it is acknowledged that the site has potential for residential development, it is also recognised that allocating the site would have a significant impact on the green wedge which currently prevents the coalescence of Ingleby Barwick and Teesside Industrial Estate and maintains the open aspect of the surrounding area. In reaching this decision, comments regarding the scale and intensity of development at Ingleby Barwick have been taken into account, as has the current distribution of community facilities.' (Paragraph 5.38).

#### Draft Preferred Options Limits to Development

Strategic Policy 4 (SP4) - Green Wedge, in the Regeneration and Environment DPD Preferred Options document, states the categories of development which the Council will support on land

designated as Green Wedge. The proposal does not fall into any of the categories. It is therefore, contrary to draft Policy SP4. A number of representations have been received to modify the boundaries of green wedge designations it is noted that the review did not recommend any alteration to the boundary of the Green Wedge at Little Maltby Farm.

#### Housing Need and Demand

One of the NPPF core planning principles includes making every effort to 'identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.' The 1st bullet point of NPPF paragraph 47 states that to boost significantly the supply of housing local plans should 'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period'. As previously referenced the Council is not currently able to demonstrate a five year supply of deliverable housing sites and the TVSHMA identifies an annual deficit in the provision of affordable housing of 560 homes. It is a benefit of this application that it would contribute to the provision of market housing. However, the current proposal offers absolutely no contribution towards meeting the need for affordable housing.

#### The quality of the agricultural land

Paragraph 112 of the NPPF states 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.' Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Local site specific surveys were undertaken in 1988 and 1999. Part of the application site is shown classified as grade 3a. This is a significant negative material consideration in relation to this application.

#### Landscape Capacity

The Stockton-on-Tees Landscape Capacity Study (July 2011) shows that the site is located within an area assessed as having medium landscape capacity.

The presumption in favour of sustainable development and Green Wedge / housing delivery The 1<sup>st</sup> bullet point associated with paragraph 17 of the NPPF, setting our core planning principles, states that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the area'. The possibility of the development of this site for housing has been highlighted through the local plan process at the Issues and Options stage. However, the site is not identified as a Preferred Option draft housing allocation and the Green Wedge designation is proposed to be maintained. Its development would therefore, be clearly fundamentally in conflict with this core planning principle of the NPPF.

Recent Secretary of State decisions makes clear that the Secretary of State accords a very high priority to local planning authorities achieving a five year supply of deliverable housing sites. The Council has been cognisant of this in granting outline planning permission for the development of 350 houses at Morley Carr Farm, a decision not consistent with the adopted development plan. However, it is consistent with the Regeneration and Environment LDD Preferred Options document, which identifies the Morley Carr site as a draft housing allocation. The status of the Morley Carr and Land West of Little Maltby Farm sites in the context of the Regeneration and Environment DPD Preferred Options document is therefore fundamentally different.

Within the Regeneration and Environment LDD Preferred Options document for housing allocations, preference has been shown for protecting Green Wedges over protecting Strategic

Gaps. Whilst the protection of Strategic Gaps is also highly desirable, they are by their very nature, less likely to be as immediately critical in terms of preventing the coalescence of communities. Balanced against this, in respect of this site is that the Green Wedge separating Ingleby Barwick from Teesside Industrial Estate is relatively wide and that the proposed development would still retain some element of separation between them. Notwithstanding this I consider that the erosion of Green Wedge would be significant and that the application site does not represent a logical urban extension. If it were ever determined that this Green Wedge is required for housing development then there is a strong case that this should be achieved through a strategic plan-led approach. This would recognise its importance in relation to the Ingleby Barwick development through determining a logical boundary for a new Ingleby Barwick village and preparing a development brief in consultation with the community consistent with having regard to the importance localism. Furthermore it is considered that the housing requirements for the plan period can be met without the development of this site and would clearly prejudice the potential for a properly planned new Ingleby Barwick 'Village', should this ever be required.

Although in some respects the proposed development can be regarded as sustainable, this is balanced against the loss of a significant area of Green Wedge, performing an important function in preventing the coalescence of Thornaby and Ingleby Barwick. The proposed development would retain a significant area of Green Wedge to the north and east of the site and I note comments from the Head of Technical Services regarding effective landscaping, whether such a buffer is provided will be an important factor in your assessment of the degree of harm to the continued functioning of the Green Wedge.

#### Summarising comments

It is clearly a benefit of the proposal that it would boost significantly the supply of housing and would provide a Free School and the importance of both of these types of provision is acknowledged in national policy. However, this should be balanced against the considerations referenced in these comments to consider whether the proposal represents sustainable development. It should also be noted that no evidence has been provided as to why the benefits associated with a Free School cannot be achieved without coupling this proposal to a proposed residential development on the scale of 350 houses. This is particularly significant in respect of the impact on the Green Wedge which would be less significant if the proposal were restricted to the provision of a Free School. It is also a very strong view of the Spatial Planning team that if this area of Green Wedge needed to be reduced in order to facilitate housing delivery then this should be as part of a masterplan-led 'village' approach consistent both with the ethos of the Ingleby Barwick development as a whole and achieving the maximum beneficial relationship to it.

#### **The Environment Agency**

We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing the following CONDITIONS are imposed on any grant of planning permission:

##### Condition 1: Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Sanderson Consultants and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the site to a maximum of 42 l/s.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.



#### Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

#### Condition 2: Buffer Zone

No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.
- where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

#### Reason

Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

#### Condition 3: Invasive Species

No development until a detailed method statement for removing or the long-term management / control of Giant Hogweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Giant Hogweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

#### Reasons

This condition is necessary to prevent the spread of Giant Hogweed which is an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the

natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

### **Ingleby Barwick Town Council**

Ingleby Barwick Town Council supports this proposal.

Ingleby Barwick, the largest private housing estate in Europe, with 7,700 properties complete to date, is in desperate need of a second secondary school to accommodate the needs of its growing population.

There are currently in excess of 900 secondary school age children travelling off the estate to schools in the surrounding area on a daily basis, as the current secondary school provision on Ingleby Barwick is inadequate. There are still a minimum of 1,200 properties to be built before Ingleby Barwick is fully developed.

Something needs to be done to alleviate the problem of hundreds of children being bussed off the estate to schools in the surrounding area.

The number of children being bussed off, the costs involved and the safety aspect are all of great concern.

The children are also restricted from attending after school activities, as they have to catch buses at the end of the school day or alternatively arrange for their parents to collect them by car later if they wish to attend the after school activities.

If all of the planned developments at Yarm and Eaglescliffe go ahead, the number of spaces available for the children of Ingleby Barwick at Conyers and Egglecliffe secondary schools will be greatly reduced and hence they will have to look for places elsewhere. The developments in Yarm and Eaglescliffe will ensure the viability of Conyers and Egglecliffe secondary schools for decades to come. They will no longer require the attendance of Ingleby Barwick children to maintain their viability. This will also have an impact on the traffic situation which will be reduced between Ingleby Barwick and Yarm/Eglescliffe.

It is essential that children be given the opportunity to be educated in their own community rather than being transported to schools some distance away. Some children have to be at the bus stop in Ingleby Barwick on a morning at 7.55 am for an 8.55 am start at school, with some arriving home 1 hour after school has finished. The new school, if approved, will have a contract with all parents and children that they **MUST** walk or cycle to school and **NOT** be taken by car.

The provision of an additional secondary school will enable children to walk or cycle to school rather than spending time being bussed or transported by car off the estate. The proposed school will provide much needed community facilities, with the buildings and grounds being available for public use outside of the school day.

Whilst the site is categorised as green wedge under the Local Plan, Stockton-on-Tees Borough Council (S.B.C.) approved one of its own community schools, Ingleby Mill primary school, on green wedge land in 2004. This has set a precedent for approving this scheme.

The reason that the new school comes with 350 houses, is that it is not affordable under the current government's school affordability criteria. There is little funding available nationally for schools in the current financial climate, yet Ingleby Barwick and the Stockton area has an opportunity to obtain a £17m scheme for the local economy (plus £70 m in the property construction scheme), whilst giving parents what they want, a new school in Ingleby Barwick

and keep other schools viable. That's £85m into the local economy, in a deep recession - jobs for the people of Stockton Borough and the Tees Valley.

The school will save S.B.C. £150k per year in transport charges as 500 less children will leave Ingleby Barwick as they will not need to be bussed to Conyers and Egglecliffe.

The accompanying houses are not ideal (and were not the focus of the free school bid), but there is no option given the affordability criteria for the school. The 350 houses will only produce 90 secondary school age children at any one point, once fully complete, so the net gain will be 510 secondary school places and 120 6th form places, which are desperately needed in Ingleby Barwick.

There has been a 5,000 letter petition put to S.B.C. and the previous schools minister, plus 2,500 children already registered for this new school. The school will enable proper provision in Ingleby Barwick, which has over 1,750 secondary school age children NOW, which will increase to over 2,000 in 2017, due to an increase in the birth rate since 2000.

Particular regard needs to be taken in respect of the requirements for disabled pupils who may need to be transported to the school by car/bus. The location of the disabled toilet facilities also needs due consideration.

The Town Council hopes that the Planning Committee will give the above comments due consideration when determining this application.

### **Tees Archaeology**

The geophysical survey report has now been provided (December 2012) and shows a number of archaeological features that correspond with the Bronze Age settlement and burial site. These seem to be focused in the south-western part of the development area.

The geophysical report along with the results of the previous trial trenching provide a sufficient evidence base to make an informed planning decision with regards to the impact of the development on the significance of Heritage Assets (NPPF Para 128).

In this case I recommend that the archaeological remains are of local to regional importance and would not preclude development providing that appropriate mitigation took place. This mitigation could either take the form of the physical preservation of the heritage assets or their archaeological excavation prior to development (or a combination of both approaches).

The mitigation could be secured by means of a planning condition, the suggested wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeological Officers.

### **The Ramblers Association**

1 We thank the council for consulting the Ramblers on the proposed development. We apologise for the tardy reply.

2 Can you tell us if the notice in a local newspaper advertising the development mentioned that it affected a public path i.e. was the procedure required by TCP (Development Management Procedure) (England) Order 2010 and DoE Circular 15/92 - Publicity for planning applications followed ?

3 The developer states that the BW Maltby 01 is to be maintained on its present alignment. This is an outline application but it is not too early for the council to make sure the developer is aware of Defra 'Rights of Way Circular 1/09) Section 7, 'Planning permission and public rights of way', in particular:

3.1 The Secretary of State's considers that PROWs should, if at all possible, be kept away from estate roads, and the rural aspect of the way should be maintained or enhanced. There are good examples of such treatment on the Ingleby Barwick Estate.

3.2 The grant of planning permission does not entitle developers to obstruct the BW;

3.3 The BW must be kept open for public use at all times. This precludes the developer from using the BW as a vehicular access to the site unless there are additional private rights;

4 Despite the belief that the BW is to be maintained on its present alignment it may become apparent at the detailed design state that its alignment may need to be altered. The developer should note that:

4.1 Development, in so far as it affects the right of way, should not be started and the right of way kept open for public use, unless and until the necessary order has come into effect when the council certifies that the alternative provided is in a fit condition for public use.

4.2 No change of alignment can legally take place until an order made by the council is confirmed by them if the order is unopposed or by the Secretary of State where an objection is not withdrawn. There is no assurance that an order will invariably be made or confirmed.

### **Private Sector Housing - Mr Dave Dawson**

The Private Sector Housing Divisions has no comments to make on this application. However we would suggest our colleagues in Housing Strategy are consulted on this application.

## Head of Housing

The Strategic Housing Market Assessment (SHMA) 2012 has identified an annual affordable housing need in the borough of 560 units, with the majority of need being for smaller properties.

Core strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision states: Affordable housing provision within a target range of 15 - 20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more.

Off site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

Based on the residential market site scheme of 350 units, 20% affordable housing would equate to up to 70 affordable units. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2012 a high priority will be accorded to the delivery of smaller houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

A worked example based on a requirement for 70 affordable units: -

Tenure: Using the ratio of 70/30, it is proposed the split should be:

Proportion	No. of units	Tenure
70%	49 units	Rent
30%	21 units	Intermediate Tenure
100%	70 units	Total

Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	91%	64 units
3 bed	9%	6 units
Total	100%	70 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
64 Units	2 bed	45 x Rented 19 x Intermediate Tenure
6 units	3 bed	4 x Rented 2 x Intermediate Tenure

Space standards - the Council would expect all affordable housing units to comply with Homes and Communities Agency space/quality standards.

## Stockton Police Station - Eddie Lincoln

If this development is to proceed, consideration should be given to applying Secured By Design principles. Good design must be the aim of all those involved in the development process and should be encouraged everywhere. Current government planning policy strongly supports this

principle and makes clear that community safety is an integral part of the design agenda. Should you wish to apply for Secured by Design certification please complete an application and checklist form, which can be obtained from [www.securedbydesign.com](http://www.securedbydesign.com) Secured by Design SBD New Homes and Schools Application Form. Please forward to me at the earliest opportunity.

### **Campaign for the Protection of Rural England**

CPRE Stockton Group has decided to give qualified support to this application.

Under normal conditions we would have opposed it for various reasons, particularly if it is outside the limits to development. Chronic traffic problems in Yarm that will be exacerbated by this additional housing, loss of agricultural land and green space, problems with drainage etc.

However, on this occasion we feel that the benefits to the town, both environmentally (the significant reduction in transportation of pupils) and for the public's convenience, outweigh these very real problems.

We trust you will ensure that every effort is made to minimise any adverse impact. The fact that we have given this qualified support should not be used as a precedent. It is only the very exceptional and unusual circumstances that have brought us to this decision.

### **Natural England (summarised)**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement, Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

Natural England's advice is as follows:

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that bats and Great Crested newts, European protected species may be affected by this application.

#### **Bats;**

We used the flowchart on page 10 of our Standing Advice Species Sheet; Bats beginning at box (i) and came to the following conclusion:

Box (v) we were unable to progress further through the flow chart. According to page 15 of the Extended Phase 1 habitat Survey, it recommends if development of the site is proposed the additional assessments of all mature/semi-mature trees for potential bat roots locations is required and in addition Nocturnal bat surveys.

Therefore further survey effort is required in accordance with Bat Surveys – good practice guidelines and you should request additional information from the applicant. If it is not provided, then the application should be refused.

### **Great Crested Newts;**

We used the flowchart on page 8 of our Standing Advice Species Sheet; Great crested newts beginning at box (i) and came to the following conclusion:

Box (iii) advises the authority to accept the findings and consider promoting biodiversity enhancement for Great crested newts in accordance with the NPPF and section 40 of the NERC Act.

### **Education Funding Agency (EFA)**

A letter supporting the application from the Education Funding Agency (EFA) is attached within the appendices.

## **PUBLICITY**

11. Publicity has been given to the application by neighbour letters, a press advert and site notices. Any comments received are detailed below (in summary). A total of 71 objections, 21 letters of support and 11 general comments have been received;

### Objections;

- Loss of open space/green wedge/contrary to planning policy
- Loss of agricultural land
- Smaller proposals have been rejected for the site and surrounding area.
- Would worsen existing traffic problems/congestion
- School does not have catchment area/being on edge of Ingleby – parents will drive to site
- Impact on parking
- Impact on general quality of life/amenity (loss of privacy, noise & disturbance, light pollution)
- Additional housing will mean school does not address shortfall in secondary school places or prevent children being transported to schools outside Ingleby.
- Issues of flooding or increased flood risk / poor drainage
- Ingleby has insufficient amenities for further housing (problems with GP services/lack of primary school places)
- School comes at too great a cost
- Misguided over the additional housing (not originally mentioned and has increased from 250)
- Crossings between development and Regency Park/Acorn Bank as will encourage dropping off/pickup as well as easy access to Beckfields takeaways.
- No guarantees that the school will be built
- Impact on wildlife
- De-value property prices
- Ingleby is already over developed/further housing not needed
- School not needed as existing schools in the area that have good reputations / strategic approach needed
- Brownfield sites in Stockton are available for housing
- Create a precedent for further housing development on the site
- The land is of significant local archaeological interest.
- The identity of High Leven will be lost,
- School standing outside of local authority control contradicts view of localism.
- Introducing children close to water (via footbridges) is not a good idea

- What are costs of a new school vs an upgrade to All Saints
- Query the purpose of the application is it enabling development?
- What are the funding guarantees?
- Illogical masterplan with no correlation to the existing settlement fabric
- Imperative that any land that comes forward continues to contribute to the vision, aims and objectives of the Core Strategy
- Sufficient land with planning permission exists in Ingleby Barwick and the housing 'sub-area' with Yarm, Eaglescliffe and Preston
- Fail to see why a public footpath should run through there property (Little Maltby Farm)
- Development should be restricted to executive housing of no more than 80 dwellings so as not to overpower the setting of the listed buildings (Little Maltby Farm)

Objectors:

Mrs Christine Mundy - 28 Crosswell Park Ingleby Barwick  
 Mrs Claire Harding - 14 Tarr Steps Ingleby Barwick  
 Mr and Mrs Simpson - 2 Danes Brook Court Ingleby Barwick  
 Mrs Nicola Cowell - 99 Marchlyn Crescent, Ingleby Barwick  
 Mrs Joanne Bytheway - 28 Brendon Grove Ingleby Barwick  
 Mr Craig Burton - 8 Regency Park Ingleby Barwick  
 Mr Huzzard - 3 Acorn Bank Ingleby Barwick  
 Mr John Chambers - 15 Ingleborough Lane, Ingleby Barwick  
 Mr. Steven Peacock - 2 Ramsey Gardens Ingleby Barwick  
 Miss Fiona Davidson - 8 Ingleborough Lane Ingleby Barwick  
 Mrs J Liddell - 7 Challacombe Crescent Ingleby Barwick  
 Mrs Hayley Maloney - 6 Chalfield Close Ingleby Barwick  
 Mrs Judith Evans - 12 Owletts Court Ingleby Barwick  
 Mrs Janice Graham - 10 Battersby Close Yarm  
 Mr Thomas Hodgen - 10 Priorwood Gardens Ingleby Barwick  
 Mrs Janet Waddell - 24 Beningborough Gardens Ingleby Barwick  
 Mr Charles Topliffe - 7 Priorwood Gardens Ingleby Barwick  
 Mrs Carolyn Casey - 9 Kingsdale Close Yarm  
 W J Wright - 22 Battersby Close Yarm  
 Miss Jade Burton - 8 Regency Park Ingleby Barwick  
 Mrs Elizabeth Dolan - 1 Regency Park Ingleby Barwick  
 Mr Gary Whitecross - 9 Regency Park Ingleby Barwick  
 Mrs Elaine Mockler - 12 Regency Park Ingleby Barwick  
 Mr David Kitchen - 19 Regency Park Ingleby Barwick  
 Mr Richard Clements - 20 Regency Park Ingleby Barwick  
 Mr Ian Woollett - 51 Priorwood Gardens Ingleby Barwick  
 Mrs Christine Arkless - 23 Priorwood Gardens Ingleby Barwick  
 Mrs Sarah Hulley - 11 Priorwood Gardens Ingleby Barwick  
 Mrs Pauline Topliffe - 7 Priorwood Gardens Ingleby Barwick  
 Mrs Lynne Hooper - 42 Regency Park Ingleby Barwick  
 Mrs Donna Devlin - 15 Regency Park Ingleby Barwick  
 Mr Santosh Takoor - 17 Regency Park Ingleby Barwick  
 Mr Justin Williams - 40 Regency Park Ingleby Barwick  
 Anne Simpson - 2 Danes Brook Court Ingleby Barwick  
 Mr Don Newton - 40 Priorwood Gardens Ingleby Barwick  
 Mr Stephen McAndrew - 6 Danes Brook Court Ingleby Barwick  
 Mr Paul Locker - 7 Chartwell Close Ingleby Barwick  
 Mr Derek Wright - Leven Lea Low Lane  
 Mr Graeme Boagey - 38 Regency Park Ingleby Barwick  
 Mrs Marjorie Simpson - 15 Mayes Walk Yarm  
 Mr Dave Evans - 8 Wellbrook Close Ingleby Barwick  
 Bill March - 5 Beaver Close Ingleby Barwick



Mrs Sally Hamlin - 22 Fir Tree Close Hilton  
 Mr Rodney Hamlin - 22 Fir Tree Close Hilton  
 Mr Richard Bytheway - 28 Brendon Grove Ingleby Barwick  
 Mr Neil McCabe - 1 Leazon Hill Ingleby Barwick  
 Mrs Vanessa Hill - 43 Lullingstone Crescent Ingleby Barwick  
 Mr David Sandereson - 31 Brendon Grove Ingleby Barwick  
 Mrs J. Evans - 8 Wellbrook close, Ingleby Barwick  
 Mrs K Bloomfield - 18 The Pasture Ingleby Barwick  
 Mr Alan Hewett - 6 Wellbrook Close Ingleby Barwick  
 Jackie Pratt - 30 Regency Park Ingleby Barwick  
 Keith Pratt - 30 Regency Park Ingleby Barwick  
 Sally Crisp - 10 Regency Park Ingleby Barwick  
 Katie And Peter Lightfoot - 18 Regency Park Ingleby Barwick  
 Mr and Mrs John Grant - 29 Regency Park Ingleby Barwick  
 C Huzzard - 3 Acorn Bank Ingleby Barwick  
 Mr and Mrs Powell -12 Acorn Bank Ingleby Barwick  
 Trevor Stapleton - 14 Acorn Bank Ingleby Barwick  
 Mr and Mrs M Shute - 8 Yoredale Close Ingleby Barwick  
 Mrs Katia Lightfoot -18 Regency Park Ingleby Barwick  
 Andrea Watson - 20 Rainham Close Ingleby Barwick  
 Adams McVickers - Persimmon Homes Teeside Bowburn North Industrial Estate  
 Mr Lee Goult -19 Thorington Gardens, Ingleby Barwick, Stockton-on-Tees  
 Mr Paul Riley - 8 Strome Close, Ingleby Barwick  
 Mrs Ann Hill - 26 Crosswell Park, Ingleby Barwick  
 Mr Mark Barrett - Little Maltby Farm Low Lane

Support comments:

- Dire need of community facilities for young and growing population, school is welcome addition
- Essential that children on Ingleby Barwick are educated in their community/need for secondary school places.
- Too much time for children being transported off the estate
- Positive impact it will have on the younger residents of the estate
- It is understood the housing is necessary for the secondary school approval to go ahead.
- Land is not going to remain greenbelt forever Preferred to a scheme for 1200 houses
- The school start time will be different reducing congestion
- New roundabout will improve traffic flow and reduce vehicle speed
- With additional housing developments in Yarm/Eaglescliffe Conyers and Egglecliffe Schools are going to be under additional pressure.
- In current economic climate funding for school would be impossible
- Housing shortage in the borough
- Minimum visual impact given proposed landscaping
- Precedent for development on the green wedge has already been set with Ingleby mill School
- Important for a secure, modern and up to date education facility

Supporters:

Mr Anil Sharma - 82 Priorwood Gardens, Ingleby Barwick  
 Mr Stephen Ransome - 15 Melford Grove Ingleby Barwick  
 Mrs Claire Sawyer - 1 Hilderthorpe Close Ingleby Barwick  
 Mr P Mulhern - 24 Copse Lane Ingleby Barwick  
 Mrs Pauline Murray - 6 Thornwood Avenue Ingleby Barwick  
 Mrs Clare Morgan - 7 Stonebridge Crescent Ingleby Barwick  
 Ms Frances Lynch - 34 Wheatear Lane Ingleby Barwick

Mrs Michelle Fryer - 16 Wensleydale Grove Ingleby Barwick  
Mrs Julie Walton - 5 The Pasture Ingleby Barwick  
Mrs Helen Ford - 18 Penderyn Crescent Ingleby Barwick  
Mrs Laureen Morris - 44 Nevern Crescent Ingleby Barwick  
Mr Terry Fitzpatrick - 34 Wheatear Lane Ingleby Barwick  
Mr Philip Drewery - 5 Hasguard Way Ingleby Barwick  
Mr David Birdsall - 83 Apsley Way Ingleby Barwick  
Mr Ian Fryer - 33 Whernside Crescent Ingleby Barwick  
Ms Isobel Moore - 10 Rochester Court Ingleby Barwick  
Mr George Brown - 38 Brecon Crescent Ingleby Barwick  
Mr Peter Salt - 16 Neath Court Ingleby Barwick  
Mrs Louise Stephens - 17 Cradoc Grove, Ingleby Barwick  
Mr Christopher Stephens - 17 Cradoc Grove, Ingleby Barwick  
Mrs Susan E. Neal - 2 Hilston Close, Ingleby Barwick

Comments:

- Changes to the scheme reflect those made at consultation
- Traffic regulations need to be changed in Regency Park and footpath access from Acorn Bank/Priorwood Gardens closed.
- General support for principle of school but not the additional housing.
- Idea of free school contradicts personal view of localism
- Morally dubious – why could the school and housing not stand on their own merits
- Less/no council tax wasted on transporting children to school
- Traffic problems from dropping children off at school already exist in Acorn Bank
- Existing hedgerow and greenery should be left, something lacking from new areas of Ingleby
- 50 mph limit on Low Lane should be reduced.
- Too new to Ingleby Mill School and will increase traffic problems here

Representations:

Mr Kevin Ford - 18 Penderyn Crescent Ingleby Barwick  
Mrs Susan Spence - 12 Preseli Grove Ingleby Barwick  
Mrs Lisa Chinwuba - 3 Dulverton Close Ingleby Barwick  
Mr David Crozier - 65 Priorwood Gardens Ingleby Barwick  
Mr David Dixon - 26 Penberry Gardens Ingleby Barwick  
Mr Peter Hadfield - 4 Regency Park Ingleby Barwick  
Mr Imtiaz Cheema - 16 Regency Park Ingleby Barwick  
Mr David Smith - 8 Acorn Bank Ingleby Barwick  
Glyn Pemberton - 27 Regency Park Ingleby Barwick  
Victoria And David Wilson - 27 Brendon Grove Ingleby Barwick  
Mrs Hilda Hirst - 21 The Pasture, Ingleby Barwick

**PLANNING POLICY**

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.
13. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application

[planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

14. The following planning policies are considered to be relevant to the consideration of this application:-

**Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel**

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

**Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change**

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

8. Additionally, in designing new development, proposals will:

\_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

\_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

\_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

\_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

### **Core Strategy Policy 6 (CS6) - Community Facilities**

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.

### **Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision**

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

### **Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement**

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

- i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
- ii) Green wedges within the conurbation, including:
  - \_ River Tees Valley from Surtees Bridge, Stockton to Yarm;
  - \_ Leven Valley between Yarm and Ingleby Barwick;
  - \_ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
  - \_ Stainsby Beck Valley, Thornaby;
  - \_ Billingham Beck Valley;
  - \_ Between North Billingham and Cowpen Lane Industrial Estate.
- iii) Urban open space and play space.

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

### **Saved Policy EN28**

Development which if likely to detract from the setting of a listed building will not be permitted.

### **Saved policy EN30**

Development, which affects sites of archaeological interest, will not be permitted unless:

- (i) An investigation of the site has been undertaken; and

- (ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii) Provision has been made for preservation 'in site'.

Where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during development.

### **Saved Policy HO3**

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

### **Ministerial Statement – Policy Statement for Schools development (August 2011)**

15. *It is the Governments view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together from an early stage to help plan for state school development and to shape strong planning applications. This collaborative working would help to ensure that answer to proposals for the development of state-funded schools should be, wherever possible “yes”.*

*The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect;*

- 1. There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework.**
- 2. Local Authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.** *The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining planning applications and appeals that come before him.*
- 3. Local Authorities should make use of their planning powers to support state-funded schools applications.** *This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help mitigate adverse impacts and help deliver development that has a positive impact on the community.*

### **National Planning Policy Framework**

16. Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;
17. For decision-taking this means:  
approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

The following sections of the NPPF are considered to be relevant to the determination of this application;

- Section 1. Building a strong, competitive economy
- Section 2. Ensuring the vitality of town centres
- Section 4. Promoting sustainable transport 9
- Section 6. Delivering a wide choice of high quality homes
- Section 7. Requiring good design
- Section 8. Promoting healthy communities
- Section 10. Meeting the challenge of climate change, flooding and coastal change
- Section 11. Conserving and enhancing the natural environment
- Section 12. Conserving and enhancing the historic environment

## **MATERIAL PLANNING CONSIDERATIONS**

18. The main planning considerations of this application are compliance with National and Local planning policies and the impacts of the proposed development on; the visual amenity/character of the area; the setting of listed building; levels of residential amenity; highway safety; features of archaeological interest; flood risk; protected species; crime and anti-social behaviour and other matters arising out of consultation responses.

### **Principle of development;**

19. Given that the proposed development is of a large scale and as a result of the site is being subject to a number of designations (through either saved policies within the Local Plan, the Core Strategy and some draft planning policies within the emerging Environment and regeneration LDD) there are a number of planning policy issues that need to be considered. Although the Regional Spatial Strategy remains in place and is part of the development plan, the Government has made clear its intention for this document to be revoked. The weight of policies within this document (the RSS) are therefore limited and it is consider more prudent to focus upon the relevant policies of both the National Planning Policy Framework (NPPF) and the development plan in the determination of this application.

### **Housing need and supply;**

20. A core planning principle of the NPPF is that every effort be should be made to 'identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.' As members will be aware the Council has produced a report that demonstrates it is unable to provide a 5-year supply of deliverable housing land as required by the National Planning Policy Framework (NPPF). As a consequence the policies in the development plan that specifically deal with housing supply are out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in paragraph 14 of the NPPF. Paragraph 14 clearly sets out that planning applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or that specific policies in the NPPF indicate it should be refused. Given that the Council is not able to demonstrate a 5-year supply of deliverable housing land this is a significant material consideration in relation to this application.
21. In terms of housing mix, paragraph 50 of the NPPF sets out a need to deliver a wide choice of high quality homes, widen opportunities for home ownership and to create sustainable and mixed communities. Furthermore where a need for affordable housing is identified policies

should be set which meet this need unless alternative provision of broadly equivalent value can be robustly justified. Policies should also allow for a degree of flexibility to account for changing market conditions. To this end, criterion 5 of Core Strategy Policy 8 (CS8) requires an affordable housing target of 15-20% on schemes of 15 dwellings or more and on development sites over 0.5 hectares in area. Recent government advice to apply affordable housing targets with flexibility in order to facilitate delivery is also noted. However, the Council remains committed to achieving housing delivery and Policy CS8 acknowledges this by allowing scope for provision at a rate lower than the standard target where robust justification is provided. A pragmatic approach is also being taken but on Greenfield sites that are attractive to the market such as this site, a 20% affordable housing contribution is sought. The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identifies an annual deficit in the provision of affordable housing of 560 homes. It is a benefit of this application that it would contribute to the provision of market housing and a degree of affordable housing, albeit less than the 20% level required.

22. Although the applicant has clarified their position with respect to affordable provision during the application process and increased this from no provision to 10%, no viability evidence has been submitted to support this reduced provision. Instead it is argued that the provision of land for the free school, the cost of providing access and services to the site along with public opinion has led to this offer. Furthermore it is argued that the provision of the Free School is a significant planning gain and has great social benefit that offsets any shortfall in affordable housing provision.
23. Whilst this stance is noted, the applicant has stated on several occasions that the housing is not enabling development and the two elements stand separate of one another. No evidence has been provided to substantiate the contention that the development of the Free School is not viable independently of the proposed housing or even with the gift of land and infrastructure to facilitate the school, that the required 20% affordable housing provision could not be achieved and retain acceptable levels of viability.
24. As indicated above there is a clear, identified need for affordable housing and an annual affordable housing target of 81 dwellings for the Ingleby Barwick housing sub-division. The proposed development would provide a significant contribution of 70 affordable dwellings (at 20%) that would go some way to helping to meet this annual target. Meeting the affordable housing requirements of the Borough is a key priority for the Authority and is recognised as such within policy CS11 of the Core Strategy. In recent times developers of Greenfield sites have been advised for this minimum 20% requirement (unless justification is provided) and the LPA has applied this requirement of policy consistently.
25. Recently Government advice has been for Local Planning Authorities to be flexible in considering and meeting affordable housing requirements, particularly where it impacts on the viability of schemes, such an approach is recognised in policy CS8 which allows for such flexibility and relaxation of the requirement where appropriate justification is provided. Indeed the NPPF makes it clear that alternative arrangements for affordable housing should only be considered where it can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. In order to provide increased choice within the Ingleby Barwick housing sub-region it is not considered appropriate to provide the affordable housing off-site. Whilst the 'social benefits' of bringing about the provision of the Free school are duly noted, significant weight must be attached to the adopted policy position and without strong justification and evidence to clearly demonstrate that either it would not be viable to provide the 20% level of affordable housing provision on site the proposal is considered to be contrary to policy CS8(5) of the Core Strategy and guidance within the NPPF.
26. Objectors have stated that brownfield sites for housing are available within Stockton, it is acknowledged that there are brownfield areas within the Borough that could accommodate a

similar development. However, the NPPF is clear that if a five supply is not available within a Local Authorities area, housing sites must be brought forward through either the development plan process and/or through planning applications, no definite distinction is made between brown and greenfield sites.

#### The NPPF, achieving sustainable development and core planning principles

27. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and it is a continual strand running through the NPPF. There are three dimensions to sustainable development: economic, social and environmental. The NPPF then sets out a number of core planning principles which include that planning should 'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'. Also included in the core land use principles is 'Every effort should be made objectively to identify and then meet the housing, business and development needs of an area, and respond positively to wider opportunities for growth'.
28. The proposed development therefore needs to be assessed against these and other elements of the NPPF and judgements made as to whether the benefits of the proposed development fully met the aims and objectives of sustainable development or whether there is significant harm that would mean the development is contrary to these aims.
29. Paragraph 72 of the NPPF sets out that the Government attaches important to ensuring that sufficient choice of school places are provided and that Local Authorities should take a proactive and collaborative approach to meeting this requirements. Great weight should be given to the need to create, expand and alter schools and that they should work with school promoters to identify and resolve key planning issues before applications are submitted.

#### Environmental protection & Green wedges:

30. Section 11 of the NPPF sets out the governments objectives in terms of conserving and enhancing the natural environment. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment through amongst others, protecting and enhancing valued landscapes. It goes on to state that distinctions should be between the hierarchy of international, national and locally designated sites ensuring that protection is commensurate with their status and gives appropriate weight to their importance and contribution to wider ecological networks (Para 113). Paragraph 123 also states that planning decisions should aim to *"identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value"*.
31. Core Strategy Policy 10 (CS10) is based solely around Environmental Protection and Enhancement and at criterion 3i) sets out that the separation of settlements and quality of the urban environment will be maintained through the protection and enhancement of these areas, including those which are identified as green wedges. It is also recognised that these strategic gaps and green wedges form part of wildlife corridors which helps to create added value to the borough. The protection of the natural environment is also seen as a core element of the definition of sustainable development and forms a key part of guidance within the National Planning Policy Framework.
32. Green Wedges are a local designation to which the Council attaches significant importance, Core strategy policy CS10(3) seeks to maintain the separation between settlements as well as the quality of the urban environment, specific reference is made in this policy to the separation between Ingleby Barwick and Thornaby, the green wedge at this particular point encompasses a wide section of land running along Low Lane and north along Thornaby Road, as a result the whole of the application site is covered by the green wedge allocation.



33. Furthermore, Objective 8 of the adopted Core Strategy is 'To protect and enhance the Borough's natural environment and to promote the creation, extension and better management of green infrastructure and biodiversity, taking advantage of the Borough's special qualities and location at the mouth of the River Tees.' Including in the associated explanatory text is 'The strategic gaps and green wedges that prevent the coalescence of built-up areas will be retained as important components, forming part of wildlife corridors and these will be improved and managed to strengthen their value.'
34. The applicant contends that given the Stockton Core Strategy Diagram the site lies largely outside the Green Wedge, with the Green Wedge notation affecting only the frontage of the site to Low Lane. Furthermore, with the deletion of Policy EN14 there is no definitive map on which to base the green wedge. Officers would disagree, in that Planning Policy Statement 12: Local Spatial Planning (now superseded by the NPPF) states at point 3 of paragraph 4.1 that 'locations for strategic development should be indicated on a key diagram'. This was the guidance that the local planning authority worked to when preparing the strategic diagram. It is not intended to function as a detailed policies map demarcating boundaries precisely, that is the role of the policies map. The role of a strategic diagram is to show the broad, spatial distribution of development and strategic designations. Furthermore, the 1997 Plan referred to the Green Wedge in the same terms "Bassleton Beck Valley between Ingleby Barwick and Thornaby" as the Core Strategy and the 1997 Proposals Map clearly shows the whole area as green wedge. Nothing has happened between the deletion of EN14 and the adoption of the Core Strategy to reduce the green wedge, nor was there any reference to any change in this designation as part of the consultation and adoption of the Core Strategy and in the event of any conflict the text is determinative i.e. "Bassleton Beck Valley between Ingleby Barwick and Thornaby". It therefore remains the Head of Planning's view that the whole site is Green Wedge.
35. Draft Strategic Policy 4 (SP4 - Green Wedge), within the Regeneration and Environment DPD Preferred Options draft, outlines the categories of development that would be supported on land designated as Green Wedge, these include activities such as agriculture, recreation, forestry and burial grounds, the proposal for residential development does not fall into any of these categories. Although a number of representations have been received to modify the boundaries of green wedge designations it is noted that the review did not recommend any alteration to the boundary of the Green Wedge at Little Maltby Farm.
36. Although the wider site was put forward as a housing designation as part of the Core Strategy housing review, issues and options it has not been identified as a draft housing allocation, given the significant impact development would have on the Green Wedge. Particularly as its designation is proposed to be maintained. Its development would therefore, be in conflict with the core planning principle of the NPPF which states that planning should be genuinely planned, empower local people to shape their surroundings and set out a positive vision for the area (Para 17). Although support may have been received for the scheme this does not override a genuinely plan led approach and process.
37. It is noted that recent Secretary of State decisions have made it clear that the Secretary of State accords a very high priority to local planning authorities achieving a five year supply of deliverable housing sites, something the Authority recognised in the granting of outline permission at the Morley Carr site. However, the status of the Morley Carr and Land West of Little Maltby Farm sites in the context of the Regeneration and Environment DPD Preferred Options document is fundamentally different, given the preference for protecting Green Wedges over protecting Strategic Gaps. Whilst the protection of Strategic Gaps is also highly desirable, they are by their very nature, less likely to be as immediately critical in terms of preventing the coalescence of communities.

38. Whilst it is acknowledged that this section of Green Wedge is relatively wide and that the proposed development would still retain some element of separation between Ingleby Barwick and Thornaby/Teesside Industrial Estate. The scale of the development is significant and would result in the erosion of the green wedge. Given the layout of the site and that it is poorly related to Ingleby Barwick the proposed development is not considered to be a logical urban extension and even if it were ever determined that this Green Wedge is required for housing development then it should be achieved through strategic plan-led approach and create a logical boundary for any new Ingleby Barwick village. Paragraph 123 of the NPPF also states that planning decisions should aim to *"identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value"*. The NPPF does not seek to define 'tranquillity' or even suggest where these areas should be located or how they are identified. The Oxford dictionary definition is a state free from disturbance. The site through its designation as green wedge has remained undeveloped and as a consequence has maintained an element of peace and quiet. It is actively used by the nearby residential population for recreation and is considered to have an amenity value and also be of significant social benefit. Furthermore it is considered that the housing requirements for the plan period can be met without the development of this site and that its development would prejudice the potential for a properly planned new Ingleby Barwick 'Village', should this ever be required.
39. Objections have been raised that the proposal would create a precedent for further housing development on adjacent sites. Whilst these comments are noted, any future applications would need to be assessed on their own merits and impacts.

#### Sustainable living and climate change

40. In order to accord with criteria 1, 2 & 5 of Adopted Core Strategy policy CS3 the development would meet with either level 4 of the code for sustainable homes, while the free school would need to achieve a BREEAM rating of 'excellent'. In addition the proposed development would need to provide 10% renewable energy on site. As all these elements could be controlled via planning conditions, it is considered the proposal could accord with this aspect of planning policy.

#### Community facilities

41. Adopted Core Strategy Policy 6 (CS6) criterion 1 sets out that priority will be given for facilities that contribute towards the sustainability of communities and in particular those residents of Ingleby Barwick. The proposal includes the provision of a secondary school which would be likely to serve the wider area although at present there is no identified catchment area. The proposed development in part meets this aspect of planning policy, albeit this needs to be balanced against the additional housing and loss of Green Wedge which is also considered to be a community benefit.

#### Free School and economic benefits;

42. In allocating Ingleby Barwick a Free School, the need argument for further secondary school places has been established by central government, irrespective of whether there is sufficient capacity within Local Authority Schools or of their attainment records. Ingleby Manor Foundation Trust (formerly known as BO2SS) are proposing a new secondary school and sixth form and it is intended to open in September 2013, albeit this is likely to be in temporary accommodation and is still subject to final confirmation of Government funding. Free Schools are all-ability state-funded schools, free from Local Authority control and are a response to what local people say they want and need in order to improve education for children in their community. Great importance is given within the NPPF to ensuring sufficient choice of school places is provided. Furthermore the Ministerial Statement for Schools development (detailed in paragraph 15 of this report) provides the view that; *"the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective"*. As outlined within the NPPF the Ministerial Statement makes it

clear that there is a presumption in favour of state school provision. In accordance with this government guidance the creation of a new education facility in the form of a Free School should be given significant weight as a material planning consideration.

43. It is also recognised that a key benefit of the proposed development would be that it would help to meet the shortfall in the boroughs 5 year housing supply. Alongside the provision of the free school both these aspects are key considerations in favour of the development.
44. Furthermore, the proposed development is of a large scale and as a result of both its scale and the phased approach to development, it would take a number of years to be built out and would provide a number of jobs in the short to medium term. It is also reasonable to assume that longer term employment benefits would arise out of teaching, office staff, and other ancillary employment associated with the free school. Such benefits are consistent with the NPPF and in particular paragraph 17, which encourages Local Authorities to 'drive and support' economic development.
45. In view of the above, it would be remiss to not recognise that the proposal in meeting an identified need for housing and providing a new state-funded educational facility would provide significant material planning considerations and fulfil a social and an economic role that favours the proposed development. However, it is important to balance these benefit against the other material planning considerations set out within the report.

#### Summary of policy Issues;

46. It is clearly a benefit of the proposal that it would boost significantly the supply of housing and would provide a new state funded school (Free School). Clearly the importance of both of these types of provision is acknowledged in national policy. However, it is important to balance these opportunities against other material planning considerations and assess whether the proposal represents sustainable development. It should also be noted that no evidence has been provided to justify a reduction in the much needed provision of affordable housing, nor as to why the benefits associated with a Free School cannot be achieved without coupling this proposal to a proposed residential development on the scale of 350 houses. This is particularly significant in respect of the impact on the Green Wedge were the proposal restricted solely to the provision of a Free School. It is also very strongly the view of the Head of Planning that if this area of Green Wedge needed to be reduced in order to facilitate housing delivery then this should be as part of a masterplan-led 'village' approach consistent both with the ethos of the Ingleby Barwick development as a whole and achieving the maximum beneficial relationship to it.

#### **Visual impact/impact on the Green Wedge;**

47. The Councils Landscape officers consider that the application site, although former farmland can be classed as urban fringe. It is noted that the land is classed as green wedge and is described in the Stockton Borough Council Landscape Character Assessment as an area of medium landscape value and visual sensitivity with a medium capacity for appropriate development. It also recognises that the site currently forms part of a defensible boundary for Ingleby Barwick.

#### *Visual/Landscape Impact;*

48. Without appropriate mitigation the landscape character of the area would be substantially changed from one of open grazing land to one of built development. Whilst new planting is proposed to soften the impact of the development this mitigation would not provide any visual screening from the 'day of opening up' to a period of approximately 15 years or longer if appropriate maintenance is not undertaken. Although on the planting widths of 20 - 30m with new hedgerow/tree planting on the northern site boundaries and eastern and southern site boundaries near Maltby Farm could be provided, the actual planting would be much narrower in width due to the presence of utility services and their associated easements. It is considered

that buffer zones of 10 - 20m of structure planting should be provided on the northern, southern and eastern site boundaries to provide the necessary screening of the proposed buildings and to assist their integration into their surroundings. However, housing numbers may have to be reduced to accommodate this landscape buffer or the land to the edges of the site (within the blue line boundary) used to create this recommended planting buffer. This would require revised wording for the application so as to agree a maximum figure of 350 houses subject to the provision of the required buffer planting and/or a Grampian condition to secure the off-site planting. The buffer planting should be in the form of a native woodland block style and avoid the use of Ash. Advance planting of both the landscape buffer planting would also assist in reducing the long-term visual impact of the development, the applicant has confirmed such provision could be made in certain areas. However, it is expected that typical native woodland block planting would take 15 years for screening to make a noticeable affect.

49. If members are minded to approve the application planning conditions would be required for the buffer planting, advanced planting works in the first planting season following commencement of the development and for open space provision. Other landscaping works would be a reserved matter and not need to be covered by planning conditions.

*Impact on the Green Wedge;*

50. Section 11 of the NPPF sets out the governments objectives in terms of conserving and enhancing the natural environment. Whilst not a statutory designation which carries great weight as a green belt designation would carry, the Green Wedges are a local designation that the Council attaches significant importance. Their main purpose is to maintain the separation between settlements as well as enhance the quality of the urban environment and provide opportunities for informal recreation.

51. Notwithstanding the visual impact and the potential to provide screening (over the course of time), it is considered that the open character of this part of the Green Wedge would be irrevocably changed and lost by this development, changing the landscape from one of open fields to housing and a school. Although screening through an appropriate landscaper buffer would over the course of time soften the edges of the development proposal and to some extent limit the visual impact. It does not change the fact that development would be brought closer to Thornaby and impact upon the purpose and function of the green wedge and limit the overall effectiveness of the remaining area of Green Wedge.

Open Space;

52. The Open Space, Recreation and Landscaping SPD includes quantity standards which identify the level of demand caused by new development. The development will place a demand upon open space, sport and recreation facilities and it is therefore necessary to ensure that the development provides adequate open space, sport and recreation facilities to meet the needs of the residents.

53. The concept plan submitted as part of the proposal includes open space in the form of small green spaces, this is not considered to be acceptable as larger areas are required for meaningful open space provision. However, there is considered to be sufficient space within the site to accommodate the required provision although consideration should be made to secure these open space requirements through a section 106 agreement and in the event they are not provided where appropriate, commuted lump sums would be required for improvements to nearby areas.

**Setting of listed building;**

54. Little Maltby Farm to the east of the application site is a grade II listed building and would sit at nearest approximately 25 metres to the proposed housing development. At present the surrounding is open and reflective of both the building and surrounding lands former

agricultural nature. However, given the extent of the residential curtilage for Little Maltby Farm, it would mean that there would be limited change in its immediate setting.

55. Although the proposed housing would result in development being closer to the listed building, the Historic Buildings Officer has confirmed verbally that with appropriate and sufficient landscaping to provide a degree of screening an acceptable buffer could be achieved so that any development would not fundamentally affect its setting or context. As much of the impact of the proposed development in respect of the setting of the listed building would only be known once detailed design work has been carried out, any impacts would need to be fully and carefully considered at the reserved matters stage. It is however, not considered the proposed development would have such a detrimental impact on the setting of this listed building that would justify a refusal of the application on these grounds. Accordingly the development is considered not to conflict with saved Policy EN28 or with guidance within the NPPF in this respect.

#### **Amenity;**

56. The indicative masterplan details the school building in the south west of the site with the school playing fields to the north of the school along the western boundary, creating a buffer to the properties of Regency Park and providing a minimum distance of 100 metres to the proposed housing areas. The proposed layout would also mean that the application site is separated from properties to the north (Acorn Bank and Priorwood Gardens) by either the school playing fields or the remaining agricultural land. This would ensure a separation distance in excess of 120 metres to the proposed properties. The residential properties of Leven Lea and The Vale would be 30 and 20 metres from the proposed housing area respectively, while Little Maltby Farm would be approximately 25 metres from the development site. Although objectors have raised concerns over the impact on levels of amenity, the final details regarding the site layout and external relationships would be a matter for future consideration. The indicative drawings provide enough satisfaction that the separation distances from the existing properties to the areas of the proposed dwellings, along with the potential for future landscaping of the site are considered sufficient enough to ensure that the proposed development would not have any significant impacts on the amenity of the neighbouring residents in terms of loss of daylight, appearing overbearing or a loss of privacy that would justify a refusal of the application on planning grounds.
57. Similarly, in terms of the internal relationships the final site layout and positioning of the school buildings and proposed dwellings would also be considered as part of a future reserved matters application and be assessed at this time. However, the submitted indicative drawings provide enough detail to be satisfied that 350 dwellings could be accommodated on the site and ensure that acceptable levels of amenity are provided for future residents of the proposed development at this stage of the determination process.
58. Equally the short-medium environment impacts such as dust, noise and general disturbance during any associated construction activity could be minimised and controlled through planning conditions should the development be approved and is not considered to be sufficient enough to warrant a refusal of the application.

#### **Access and Highway safety;**

59. The Head of Technical Services has considered the information supplied as part of the application. To further test the traffic impact a microsimulation transport model to review the impact of this development, and others locally, on the highway network was commissioned. The results of the microsimulation demonstrate that the development traffic results in significant journey time increases on Ingleby Way and Thornaby Road and the congestion on Thornaby Road at the A174 signals is exacerbated. The model also shows congestion occurring at the Low Lane / Thornaby Road junction, particularly on the Low Lane east approach as the right turn onto Thornaby Road becomes difficult. Mitigation is therefore required to accommodate

the development trips on the highway and would need to include a double right turn at the A174 / Thornaby Road and a signal scheme at Low Lane / Thornaby Road. Contributions for these works should be secured through a Section 106 agreement.

60. The internal road width has been made sufficiently wide although it is still recommended that traffic calming measures are installed to minimise the ability of vehicles to gain speed on this section of road given the proximity to the school and children crossing the road. These should be coordinated with suitable crossing points on the access road provided to ensure that there are sufficient pedestrian linkages between the residential area and the school. The Head of Technical Services is concerned over the conflict that could occur between the crossing on the east splitter island and the Petrol Filling Station entrance and a signal crossing facility on the western side of the access junction is required, arising from demand created by the development, this should be installed on commencement of the development and be secure through planning condition.
61. Although an emergency access connecting to Low Lane is proposed, clarification as to how this could be controlled to stop vehicles using this access at all other times, along with an assessment of other linkages would be fully assessed at the reserved matters stage. Parking provision would need to be provided in accordance with the parking standards as set out in SPD3 and along with the requirement for sufficient space for drop-off trips these would both be fully assessed at the reserved matters stage. Planning conditions could be imposed to ensure that other elements such as a construction management plan and travel plan are submitted for future consideration and approval.
62. The Highways Agency are satisfied that as a result of committed pinch point funding towards improvements at the A19/A174 Parkway interchange the traffic flows associated with the proposed development can be accommodated and they have no objections to the proposed development.
63. Whilst the concerns of the objectors are noted with regards to the impact of the development on the highway network, it is considered that the highway impacts can be mitigated through improvements at the Thornaby Road/A174 and the Low lane/Thornaby Road junctions. In the absence of an objection from the Head of Technical Services it is not considered that there are sufficient reasons to sustain a refusal of the application on highway grounds.

**Features of Archaeological Interest;**

64. Tees Archaeology have assessed the archaeological desk based assessment, it is noted that previously a prehistoric settlement was discovered which was probably of a Bronze Age date. Given that the site appears exceptionally well preserved there is considered to be a high potential for environmental and organic remain, the site can be classed as a heritage asset.
65. It was recommended that the results of the desk based assessment and previous trial trenching were supplemented by a geomagnetic survey of the development area in order to fully map the extent and form of any heritage assets in order that proper account can be taken of the impact of the development on the significance of the heritage assets. This work has been completed and an associated report has been submitted.
66. Tees Archaeology have advised that based on the results of the 1997 trial trenching and recently carried out geophysical analysis, sufficient information has been provided to make an informed decision without the need for further trial trenching. However, it is recommended that a planning condition be imposed to record and monitor any findings in the area of the Bronze Age site and new anomalies identified. As a consequence it is considered that the proposed development would not have a detrimental impact on features of archaeological interest so as to justify a refusal of the application and thereby accords with saved policy EN30 of the Local Plan.

**Protected species;**

67. Advice from Natural England sets out that further survey information is required in respect of bats and without this information, a fully informed and sound planning decision cannot be made and would carry significant risk should any additional surveys highlight fundamental impacts and harm that was failed to be considered at the determination stage and may have resulted in a different decision. In respect of Great Crested Newts Natural England have advised that the survey information be accepted and that opportunities for biodiversity enhancements are considered.
68. Although the applicant is of the view that additional surveys can be satisfactorily covered by planning conditions and they have been in discussions with Natural England on this matter. Natural England are of the view that further survey work is still required and that it is the responsibility of the Council as to whether they decide to condition those surveys. Advice from Natural England on whether surveys can be conditioned is that this should only be done in exceptional circumstances and that the presence of protected species is a material consideration. If surveys are not carried out before planning permission is granted there is a risk that not all material considerations will have been addressed and where conditions are imposed it should only be done where the full impacts of the proposal are understood at the planning application stage.
69. In view of the advice from Natural England and being cognisant of their consultation response, that contained within their standing advice and the frequently asked questions. It is considered there is insufficient information at this moment in time to be satisfied that all matters in respect of protected species have been addressed and as a consequence a reason of refusal is recommended.

**Flood risk;**

70. The Environment Agency has considered the information submitted as part of the application and have no objections to the proposed development subject to a planning condition ensuring that the development is carried out in accordance with the submitted flood risk assessment, Given this can be controlled via a planning condition it is not considered that the proposed development poses any significant threat to flood risk and as a result accords with guidance within the NPPF.

**Crime and Antisocial-behaviour**

71. Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to deliver safer, more secure communities and places a duty on them to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. Secured by Design requires that community safety is a central part of the design process the guiding principles encourage well designed, attractive, clearly defined and well maintained developments so that a sense of shared ownership and responsibility is created.
72. The Police's Architectural Liaison Officer has considered the application and has advised that consideration should be given to applying Secured By Design principles, that planning policy strongly supports this principle and makes clear that community safety is an integral part of the design agenda. The final design of the scheme is yet to be established and opportunities for designing out crime would need to be fully considered at the reserved matters stage of the application.
73. Whilst concerns with respect to increases in anti-social behaviour as a result of the proposed development and footpath linkages are noted there is no evidence to suggest that this would occur and careful consideration would need to be given to the overall layout and design of the development to ensure accordance with secure by design principles.

### **Residual Issues;**

74. It is also noted that the Environment Agency have requested that planning conditions be imposed to ensure that there is a 5 metre wide buffer adjacent to the water course as it is considered to have ecological value and that management arrangements are put in place for removing invasive species (Giant Hogweed). Should be application be approved both these elements can be controlled via planning conditions.
75. Although the objections raising concerns about the impact of the development on property prices are duly noted, this is not a material planning consideration and cannot be taken into consideration as part of this planning application.
76. Comments in relation to increased air and noise pollution are noted, however, the Environmental Health Unit Manager is satisfied that the proposed development does not cause any significant impacts in this respect to justify a refusal of the application.

### **CONCLUSION**

77. It is clearly a benefit of the proposal that it would boost significantly the supply of housing and along with the provision of a Free School would have social and economic benefits. Clearly the importance of both of these types of provision is acknowledged in national policy. It should also be noted that no evidence has been provided as to why the benefits associated with a Free School cannot be achieved without coupling this proposal to a proposed residential development on the scale of 350 houses. This is considered to be particularly important in respect of the impact on the Green Wedge, which would be less significant if the proposal were restricted to the provision of a Free School.
78. Whilst the benefits of the proposed development in terms of the requirements of the NPPF and ministerial statements are fully recognised, it is considered that significant weight should still be attached to planning policy and the harm that would arise out of the urbanisation of the land in what is not considered to be a logical urban extension resulting in the coalescence of the settlements of Ingleby Barwick and Thornaby and having an adverse impact on the open character of the site and green wedge.
79. Despite the weight and importance attached in bringing about education provision in the form of the Free School, it is considered that the provision of the housing development would have such an impact on the Green Wedge that the associated community benefits of the Free School would not be sufficient enough to outweigh these conflicts with the adopted development plan policies. Furthermore insufficient information has been provided to satisfactorily demonstrate that there would be no significant harm to protected species or to justify a reduction in the provision of affordable housing and these form additional reasons for refusal at this stage. The proposed development is therefore recommended for refusal subject to the reasons outlined earlier within this report.

In the event that Members consider the application favourably, they will need to consider the following requirements which would need to be in the form of a Section 106 Agreement which would need to be completed before a planning consent could be issued

### **HEADS OF TERMS**

Contributions for Highway Improvements for;

- a double right turn at the A174 / Thornaby Road; and
- a signal scheme at Low Lane / Thornaby Road.

Education contribution of £728,000 towards Primary School Places

Requirement for 20% Affordable Housing provision

To meet with Open Space requirements, unless alternative arrangements are provided



Local Labour Agreements  
Provision of land for free school and access

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Simon Grundy Telephone No 01642 528550**

**WARD AND WARD COUNCILLORS**

**Ward** Ingleby Barwick East  
**Ward Councillor** Councillor Jean Kirby, K C Faulks & Gillian Corr

**IMPLICATIONS**

**Financial Implications.**

Section 143 of the Localism Act and planning obligations as set out in the report.

**Environmental Implications.**

As report.

**Community Safety Implications.**

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

**Human Rights Implications.**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

**Background Papers.**

Regional Spatial Strategy  
Stockton on Tees Core Strategy  
Stockton on Tees Local Plan Alteration  
Stockton on Tees Regeneration and Environment DPD (Preferred options)  
Draft National Planning Policy Framework (NPPF)  
Planning Applications; 90/1965/P, 94/0385/P, 97/0884/P, 00/1063/P, 00/1064/P, 03/1976/P,  
03/1977/P & 06/2593/OUT